

DRAFT #1
PROPOSED EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE ADOPTION BY REFERENCE OF THE
2006 EDITION OF THE UNIFORM MECHANICAL CODE (UMC)
AND AMENDMENTS INTO THE
2007 CALIFORNIA MECHANICAL CODE (CMC)
CODE OF REGULATIONS, TITLE 24, PART 4

Legend for Express Terms:

1. **California amendment (CA) brought forward without modification:** *All language will appear in italics.*
 2. **California amendment (CA) brought forward with modification:** *All language will appear in italics, modified language is shown underlined.*
 3. **New UMC language with new California amendment (CA):** UMC language shown in normal Arial 9 pt. *California amendments to UMC text are shown underlined and in italics.*
 4. **New California amendment (CA):** *California language will appear underlined and in italics.*
 5. **Repealed text:** *Shown as ~~Strikeout~~.*
 6. **Notation:** Authority and reference citations are provided at the end of each chapter.
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MATRIX ADOPTION TABLE FOOTNOTE:

The ♦ designation indicates that the State Fire Marshal's adoption of a chapter or individual sections is applicable to structures subject to HCD 1 (See Section 108.1.1.8) and HCD 2 (See Section 108.1.1.9).

CHAPTER 1 – ADMINISTRATION

Note: Adopt only those sections listed below

101.2 [For HCD 1 & HCD 2] Title – California Mechanical Code. *This document shall be known as the “California Mechanical Code.” Where a reference to the Uniform Mechanical Code or UMC appears in the text of this code, the reader shall understand the reference to be to the California Mechanical Code as Part 4 of Title 24, California Code of Regulations. The provisions contained in the California Mechanical Code of the (compiled) California Building Standards Code, Title 24, California Code of Regulations as defined in Health and Safety Code Section 18910, may be cited as such and are referred to hereafter as “these regulations”, “these mechanical standards” or “this code.”*

102.0 Purpose

The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within this jurisdiction ***[For HCD 1 & HCD 2]*** for the State of California ***[For HCD 1 & HCD 2]*** and local enforcement agencies.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

102.2 [For HCD 1 & HCD 2] Availability of Codes. *A subsection of Health and Safety Code Section 18942 is repeated here for clarity and reads as follows:*

Section 18942(d)

~~(1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part.~~

~~(2) This subdivision shall not apply to any city or county which contracts for the administration and enforcement of the provisions of this part with another local government agency which complies with this section.~~

103.1 Applicability. The provisions of this code shall apply to the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat producing appliances within this jurisdiction. ~~[For HCD 1 & HCD 2] for the State of California [For HCD 1 & HCD 2] and local enforcement agencies.~~

Additions, alterations, repairs to and replacement of equipment or systems shall comply with the provisions for new equipment and systems, except as otherwise provided in Section 104.0 of this code.

Exception [For HCD 1] Additions, Alterations or Repairs. ~~The alteration, repairs, replacement, occupancy, use and maintenance provisions are superseded, in part, by State Housing Law, Health and Safety Code, Division 13, Part 1.5, Sections 17912, 17920.3, 17922 (c), 17958.8 and 17958.9 and California Code of Regulations, Title 25, Chapter 1 (commencing with Section 1). Health and Safety Code Section 17958.8 is repeated here for clarity and reads as follows:~~

~~**Section 17958.8.** Local ordinances or regulations governing alterations and repair of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction for any building or accessory structure subject to this part, including a hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, as long as the portion of the building and structure subject to the replacement, retention, or extension of original materials and the use of original methods of construction complies with the building code provisions governing that portion of the building or accessory structure at the time of construction, and the other rules and regulations of the department or alternative local standards governing that portion at the time of its construction and adopted pursuant to Section 13143.2 and the building or accessory structure does not become or continue to be a substandard building.~~

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

~~**[For HCD 1 & HCD 2]** Mechanical standards in the code shall have no retroactive or retrospective effect or application on existing construction unless the term and time of application of such standards are specifically identified or specified in this code and California law.~~

The design and testing of equipment regulated by this code shall be subject to the approval of the Authority Having Jurisdiction ~~**[For HCD 1 & HCD 2]** enforcing agency provided in section 108.1.1~~

The standards contained in Appendix A shall be considered as part of this code. Appendix B and C contain recommended practices which shall not apply unless specifically adopted. Appendix D contains conversion tables and a table for determining the approximate minimum thickness for carbon sheet metal.

103.1.1.2 [For HCD 1 & HCD 2] Effective Date. ~~One hundred and eighty days after the date of publication, or as otherwise noted herein.~~

103.1.2 [For HCD 1 & HCD 2] Availability of Codes. ~~A subsection of Health and Safety Code Section 18942 is repeated here for clarity and reads as follows:~~

Section 18942(d)

~~(1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part.~~

(2) This subdivision shall not apply to any city or county which contracts for the administration and enforcement of the provisions of this part with another local government agency which complies with this section.

~~103.1.3 [For HCD 1 & HCD 2] Applicability to Occupancy Groups.~~ *The provisions of the model code, which are adopted by this Code, are applicable to all occupancy groups and uses regulated by this code. The amendments to the model code are applicable only to those occupancies or uses which the state agency adopting the amendments is authorized to regulate as listed in Section 108.1.4*

~~103.1.4 [For HCD 1 & HCD 2] Conflicts Between Codes.~~ *When the requirements of this code conflict with the requirements of the California Building Code, Title 24, Part 2, the most restrictive requirement shall prevail.*

~~103.1.5 [For HCD 1 & HCD 2] Non-Building Regulations.~~ *Requirements contained in the U.M.C., or in any other referenced standard, code, or documents, which are not building standards as defined in Health and Safety Code Section 18900, shall not be construed as part of the provisions of this code.*

~~103.1.5.1 [For HCD 1 & HCD 2]~~ *For the applicability of regulations relating to maintenance, operation, use, limitations or prohibitions, and similar non-building regulations, see other Titles of the California Code of Regulation.*

~~103.1.5.2 [For HCD 1 & HCD 2]~~ *For the applicability of regulations relating to maintenance, operation, use, limitations or prohibitions, and similar non-building regulations, see Title 25, California Code of Regulations, Chapter 1 (commencing with Section 1).*

~~103.1.6 [For HCD 1 & HCD 2] Validity.~~ *If any chapter, section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the State as stipulated by statutes, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of this code.*

~~103.1.7 [For HCD 1 & HCD 2] Format.~~ *This part fundamentally adopts the U.M.C. by reference on a chapter by chapter basis. Such adoption is reflected in the adoption tables of each chapter of this part. When the adoption table of a chapter of this part makes no reference to a specific chapter of the U.M.C., such chapter of the U.M.C. is not adopted as a portion of this code.*

~~103.1.8 [For HCD 1 & HCD 2] STANDARD REFERENCE DOCUMENTS~~

~~103.1.8.1 [For HCD 1 & HCD 2] Codes and Standards Adoption.~~ *The codes, standards and publications, adopted and set forth in this code, including other codes, standards and publications referred to therein, are by title and date of publication, hereby adopted as standard reference documents of this code.*

~~104.5 Moved Buildings. [Not adopted by HCD]~~ *Mechanical systems or equipment which are a part of buildings or structures moved into or within this jurisdiction shall comply with the provisions of this code for new installations.*

~~104.5 [For HCD 1] Moved Buildings.~~ *Moving of apartment houses and dwellings. Health and Safety Code Section 17958.9 is repeated here for clarity and reads as follows:*

~~Section 17958.9~~ *Local ordinances or regulations governing the moving of apartment houses and dwellings shall, after July 1, 1978, permit the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the building standards for foundation applicable to new construction, and does not become or continue to be a substandard building.*

~~105.1 Alternate Materials and Methods of Construction [Not adopted by HCD]~~

The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any such alternate has been approved and the use authorized by the Authority Having Jurisdiction.

However, the exercise of this discretionary approval by the Authority Having Jurisdiction shall have no effect beyond the jurisdictional boundaries of said Authority Having Jurisdiction. Any alternate material or method of construction so approved shall not be considered as conforming to the requirements and/or intent of this Code for any purpose other than installation or use within the jurisdiction granting the exception.

The Authority Having Jurisdiction may authorize any alternate, provided the Authority Having Jurisdiction finds the proposed design is satisfactory for the intended use and complies with the provisions of this code and that the material, method or work offered is, for the purpose intended, at least equivalent to that prescribed by this code in suitability, strength, effectiveness, fire resistance, durability and safety.

The Authority Having Jurisdiction shall require sufficient evidence or proof be submitted to substantiate any claims made regarding the use of alternates. The details of any action granting approval of an alternate shall be recorded and shall be entered in the files of the code enforcement agency.

105.2 [For HCD 1 & HCD 2] Order of Precedence. ~~Where in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general and a specific requirement, the specific requirement shall apply.~~

~~Mechanical standards in the code shall have no retroactive or retrospective effect or application on existing construction unless the term and time of application of such standards are specifically identified or specified in this code.~~

105.5 [For HCD 1 & HCD 2] Alternate for materials, designs, tests and methods of construction.

105.5.1 [For HCD 1] ~~Notwithstanding other provisions of law, the method for approval of alternate materials, design, tests and methods of construction by local building departments are set forth in State Housing Law, Health and Safety Code, Division 13, Section 17951 (d) and California Code of Regulations, Title 25, Division 1, Chapter 1. The applicable subsections of Health and Safety Code Section 17951(d) are repeated here for clarity and reads as follows:~~

Section 17951(d).

~~(2) The building department of any city or county may approve an alternate material, appliance, installation, device, arrangement, method, or work on a case-by-case basis if it finds that the proposed design is satisfactory and that each such material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.~~

~~(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.~~

NOTE: [For HCD 2] ~~Refer to Title 24, Part 4, Section 108.10.~~

105.5.2 [For HCD 1] ~~Notwithstanding other provisions of law, the method for approval of alternate materials, appliances, installation, device, arrangement, or method of construction are set forth in the Employee Housing Act, Health and Safety Code, Section 17002 and California Code of Regulations, Title 25, Division 1, Chapter 1. Health and Safety Code Section 17002 is repeated here for clarity and reads as follows:~~

Section 17002. ~~The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part if such alternate has been approved by the Department of Housing and Community Development.~~

~~The Department of Housing and Community Development may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, or method of construction offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability and safety, for the protection of life and health.~~

~~This section shall not apply to a local ordinance, which is applicable pursuant to Section 17001.~~

105.5.3 [For HCD 2] ~~Notwithstanding other provisions of law, the method for approval of alternate materials, appliances, installation, device, arrangement, or method of construction are is set forth in the Mobilehome Parks Act, Health and Safety Code, Section 18305 and California Code of Regulations, Title 25, Division 1, Chapter 2 commencing with Section 1000 for mobilehome parks and the Special Occupancy Parks Act, Health and Safety Code, Section 18865.6 and California Code of Regulations, Title 25, Division 1, Chapter 2.2 commencing with Section 2000 for special occupancy parks. The applicable subsections of Health and Safety Code Section 18305 and 18865.6 are repeated here for clarity and reads as follows:~~

Section 18305.

~~(a) This part is not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations adopted pursuant to this part, if the alternate used has been approved.~~

~~(b) The department may approve any alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent to that prescribed in this part and the rules and regulations adopted pursuant to this part in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.~~

~~(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant to this part, or in order to substantiate claims for alternates, the department may require proof of compliance to be made at the expense of the owner or his or her agent.~~

~~(d) The department shall notify the appropriate enforcement agency and plan checking agency of its findings.~~

~~(e) This section is not applicable to local regulations authorized by this part.~~

Section 18865.6.

~~(a) This part is not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations adopted pursuant to this part, if the alternate use has been approved.~~

~~(b) The department may approve any alternate use if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent to that prescribed in this part and the rules and regulations adopted pursuant to this part in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.~~

~~(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant to this part, or in order to substantiate claims for alternates, the department may require proof of compliance to be made at the expense of the owner or his or her agent.~~

~~(d) The department shall notify the appropriate enforcement agency and plan checking agency of its findings.~~

~~(e) This section is not applicable to local regulations authorized by this part.~~

106.2 [For HCD 1] Local Variances. Health and Safety Code Section 17958.5 is repeated here for clarity and reads as follows:

~~**Section 17958.5.** Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make such changes or modification in the requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions.~~

~~For purposes of this subdivision, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, contained in the provisions of the code and regulations on the basis of local conditions.~~

106.3 [For HCD 1] Findings, Filings, and Rejections of Modifications. The applicable subsections of Health and Safety Code Section 17958.7 are repeated here for clarity and reads as follows:

Section 17958.7

~~(a) Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.~~

~~(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.~~

106.4 [For HCD 1 & HCD 2] Ratification by City Council or County Board of Supervisors. The applicable subsections of Health and Safety Code Section 13869.7 are repeated here for clarity and reads as follows:

Section 13869.7

~~(a) Any fire-protection district organized pursuant to Part 2.7 (commencing with Section 13800) of Division 12 may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. For these purposes, the district board shall be deemed a legislative body and the district shall be deemed a local agency. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.~~

~~(b) Any fire-protection district that proposes to adopt an ordinance pursuant to this section shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to subdivision (a), to the city, county, or city and county where the ordinance apply. The city, county, or city and county, may provide the district with written comments, which shall become a part of the fire-protection district's public hearing record.~~

~~(c) The fire-protection district shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county, shall file a copy of the findings of the district, and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, with the Department of Housing and Community Development.~~

108.1.1 [For HCD 1 & HCD 2] Vesting Authority. ~~When adopted by a State agency, the provisions of this Code shall be enforced by the appropriate enforcing agency, but only to the extent of authority granted to such agency by the State Legislature.~~

~~Following is a list of the state agencies that adopt building standards or on whose behalf building standards are adopted, the specific scope of application of the agency responsible for enforcement, and the specific statutory authority of each agency to propose or adopt and enforce these building standards, unless otherwise stated.~~

108.1.1.8 [For HCD 1] HCD — Department of Housing and Community Development

108.1.1.8.1 [For HCD 1] HCD 1 — Department of Housing and Community Development

~~Application — Hotels, motels, timeshares, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing, factory-built housing, and other types of dwellings containing sleeping accommodations with or without common toilet or cooking facilities. Refer to Section 108.1.1.13 of this code, for Office of the State Fire Marshal, for fire and panic safety application.~~

~~Enforcing Agency — Local building department or the Department of Housing and Community Development.~~

~~Authority Cited — H&SC §§17921, 17922, 19990; and 42 US Code Section 3601, et seq.~~

~~Reference — H&SC §§17000 through 17060, 17910 through 17990, and 19960 through 19997.~~

108.1.1.8.2 [For HCD 1/AC] HCD 1/AC — Department of Housing and Community Development — Access Compliance.

~~Application — Covered multifamily dwelling units and common use areas as defined in Chapter 11A of the California Building Code, including but not limited to lodging houses, dormitories, timeshares, condominiums, shelters for homeless persons, congregate residences, apartment houses, dwellings, employee housing, factory-built housing, and other types of dwellings containing sleeping accommodations with or without common toilet or cooking facilities which are not transient lodging as defined in Chapter 11A of the California Building Code and subject to the requirements of the Division of the State Architect, Access Compliance (DSA/AC)~~

Note: Accessibility requirements for persons with disability are located in Chapter 11A of the California Building Code.

108.1.1.9 [For HCD 2] HCD 2 — Department of Housing and Community Development.

~~Application — Permanent buildings and permanent accessory buildings and structures constructed within mobilehome parks or special occupancy parks, which are permanent facilities under the control and ownership of the park operator.~~

Enforcing Agency—Local building department; other local agency responsible for the enforcement of Health and Safety Code Sections 18200 through 18700 and 18860 through 18874; or the Department of Housing and Community Development.

Authority Cited—H&SC §§ 18300 and 18865.

Reference—H&SC §§ 18000 through 18700 and 18860 through 18874.

~~108.3.1 [For HCD 1 & HCD 2] RIGHT OF ENTRY FOR ENFORCEMENT~~

~~108.3.1.1 [For HCD 1]. Authority to Enter and Inspect Premises.~~ *Health and Safety Code Sections 17050(i) and 17970 are repeated here for clarity and reads as follows:*

~~Section 17050(i).~~ *The enforcement agency may:*

(1) Enter public or private properties to determine whether there exists any employee housing to which this part applies.

(2) Enter and inspect all employee housing wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.

(3) Enter and inspect the land adjacent to the employee housing to determine whether the sanitary and other requirements of this part, the building standards published in the California Building Standards Code relating to employee housing, and the other rules and regulations adopted pursuant to this part have been or are being complied with.

~~Section 17970.~~ *Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part, the building standards published in the [California] State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part which the enforcement agency has the power to enforce.*

~~108.3.1.2 [For HCD 2] Authority to Enter and Inspect Premises.~~ *The applicable subsections of Health and Safety Code Sections 18400 and 18866 are repeated here for clarity and reads as follows:*

~~Section 18400.~~

(a) The department shall enforce this part and the rules and regulations adopted pursuant to this part, except as provided in Section 18300.

(b) The officers or agents of the enforcement agency may do either of the following:

(1) Enter public or private property to determine whether there exists any park to which this part applies.

(2) Enter and inspect all parks, wherever situated, and inspect all accommodations, equipment, or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of this part and the regulations adopted pursuant to this part.

~~Section 18866.~~

(a) The department shall enforce this part and the rules and regulations adopted pursuant to this part, except as provided in Section 18865.

(b) The officers or agents of the enforcement agency may do either of the following:

(1) Enter public or private property to determine whether there exists any park to which this part applies.

(2) Enter and inspect all parks, wherever situated, and inspect all accommodations, equipment, or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of this part and the regulations adopted pursuant to this part.

~~108.3.1.3 [For HCD 1] Limitations on Authority to Enter.~~ *Notwithstanding other sections of law, Health and Safety Code Section 17972 is repeated here for clarity and reads as follows:*

~~Section 17972.~~ *No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.*

~~108.6.1 [For HCD 1] Enforcement Authority~~ *Administrative actions, enforcement proceedings, nuisance abatements, violation notifications, and penalties shall comply with the requirements of State Housing Law, contained in Health and Safety Code Sections 17910 through 17995.5 and California Code of Regulations, Title 25, Division 1, Chapter 1 (commencing with Section 1).*

~~108.6.2 [For HCD 2] Enforcement Authority.~~ Administrative actions, enforcement proceedings, nuisance abatements, violation notifications, and penalties shall comply with the requirements of the Mobilehome Parks Act, contained in Health and Safety Code Sections 18200 through 18700 and California Code of Regulations, Title 25, Division 1, Chapter 2 (commencing with Section 1000) for and the Special Occupancy Parks Act, California Health and Safety Code, Division 13, Part 2.3 (commencing with Section 18860) and California Code of Regulations, Title 25, Division 1, Chapter 2.2 (commencing with Section 2000).

~~108.10 [For HCD 1 & HCD 2] AUTHORITY OF CITY AND COUNTY BUILDING DEPARTMENTS~~

~~108.10.1 [For HCD 1] General – State Housing Law.~~ Health and Safety Code Section 17960 is repeated for clarity and reads as follows:

~~**Section 17960.** The building department of every city or county shall enforce within its jurisdiction all the provisions published in the State [California] Building Standards Code, the provisions of this part, and the other rules and regulations promulgated pursuant to the provisions of this part pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.~~

~~**NOTE:** [For HCD 1] See Section 108.1.1.8 of this code.~~

~~108.10.2 [For HCD 1] General – Employee Housing Act.~~

~~Refer to the Employee Housing Act, California Health and Safety Code, Division 13, Part 1 (commencing with Section 17000) and California Code of Regulations, Title 25, Division 1, Chapter 1 (commencing with Section 600) for employee housing administrative and enforcement authority, permits, fees, violations, inspections, and penalties.~~

~~**NOTE:** [For HCD 1] See Section 108.1.1.8 of this code.~~

~~108.10.3 [For HCD 1] General – Factory-Built Housing.~~

~~Refer to the California Factory-Built Housing Law, California Health and Safety Code, Division 13, Part 6 (commencing with Section 19960) and the California Code of Regulations, Title 25, Division 1, Chapter 3 (commencing with Section 3000) for factory-built housing administrative and enforcement authority, permits, fees, violations, inspections and penalties.~~

~~**NOTE:** [For HCD 1] See Section 108.1.1.8 of this code.~~

~~108.10.4 [For HCD 2] General – Mobilehome Parks Act and Special Occupancy Parks Act.~~ Refer to the Mobilehome Parks Act, California Health and Safety Code, Division 13, Part 2.1 (commencing with Section 18200) and California Code of Regulations, Title 25, Division 1, Chapter 2 (commencing with Section 1000) for mobilehome park administrative and enforcement authority, permits, plans, fees, violations, inspections, and penalties. Refer to the Special Occupancy Parks Act, California Health and Safety Code, Division 13, Part 2.3 (commencing with Section 18860) and California Code of Regulations, Title 25, Division 1, Chapter 2.2 (commencing with Section 2000) for special occupancy park administrative and enforcement authority, permits, plans, fees, violations, inspections, and penalties.

~~**NOTE:** [For HCD 2] See Section 108.1.1.9 of the code.~~

~~114.2.1.1 [For HCD 1] Retention of Plans.~~ Refer to Building Standards Law, Health and Safety Code Sections 19850 and 19851, for permanent retention of plans.

~~114.6 [For HCD 1] Permit Issuance.~~ Health and Safety Code Section 17960.1 is repeated here for clarity and reads as follows:

~~**Section 17960.1**~~

~~(a) The governing body of a local agency may authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function.~~

~~(b) A local agency need not enter into a contract or employ persons if it determines that no entities or persons are available or qualified to perform the plan-checking services.~~

~~(c) Entities or persons employed by a local agency may, pursuant to agreement with the local agency, perform all functions necessary to check the plans and specifications to comply with other requirements imposed pursuant to this part or by local ordinances adopted pursuant to this part, except those functions reserved by this part or local ordinance to the legislative body. A local agency may charge the applicant fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section which the applicant requested.~~

~~(d) When there is an excessive delay in checking plans and specifications submitted as a part of an application for a residential building permit, the local agency shall, upon request of the applicant, contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function subject to subdivisions (b) and (c).~~

~~(e) For purposes of this section:~~

~~(1) "Enforcement agency" means the building department or building division of a local agency.~~

~~(2) "Excessive delay" means the enforcement agency of a local agency has taken either of the following:~~

~~(A) — More than 30 days after submittal of a complete application to complete the structural building safety plan check of the applicant's set of plans and~~

~~specifications, which are suitable for checking. For a discretionary building permit, the time period specified in this paragraph shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.~~

~~(B) — Including the days actually taken in (A), more than 45 days to complete the checking of the resubmitted corrected plans and specifications suitable for checking after the enforcement agency had returned the plans and specifications to the applicant for correction.~~

~~(3) "Local agency" means a city, county, or city and county.~~

~~(4) "Residential building" means a one-to-four family detached structure not exceeding three stories in height.~~

NOTE: For plan checking of related "Employee Housing," as defined in HSC 17008, refer also to HSC 17021(b) [Effective January 1, 2001].

115.1.1 [For HCD 1] Fees. The applicable subsections of Health and Safety Code Section 17951 are repeated here for clarity and reads as follows:

Section 17951

~~(a) The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations adopted pursuant to this part.~~

~~(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.~~

~~(c) The amount of the fees prescribed pursuant to subdivisions (a) and (b) shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.~~

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3; and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997; and Government Code Section 12955.1.

CALIFORNIA CHAPTER 1
GENERAL CODE PROVISIONS

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the California Mechanical Code, may be cited as such and will be referred to herein as "this code." The California Mechanical Code is part 4 of eleven parts of the official compilation and publication of the adoptions, amendment, and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part incorporates by adoption the 2006 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials with necessary California amendments.

101.2 Purpose The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, energy conservation, safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.3 Scope. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings structures throughout the State of California.

101.3.1 Non State Regulated Buildings, Structures, and Applications. The provisions in Chapters 2 through 34 of the 2006 International Building Code of the International Code Council contained or referenced in this code shall apply to all occupancies and applications not regulated by a state agency.

EXCEPTION: Local Modifications complying with Health and Safety Code section 18938 (b) for Building Standards Law and section 17950 for State Housing Law. See section 101.7.

101.3.2 State Regulated Buildings, Structures, and Applications. The model code provisions, and amendments to them, and/or provisions where there are no relevant model code provisions shall apply to the following buildings or structures regulated by state agencies as referenced in the Matrix Adoption Tables and as specified in Sections 102 through 113. When adopted by a state agency, the provisions of this code shall be enforced by the appropriate enforcing agency, but only to the extent of authority granted to such agency by the State Legislature.

NOTE: See Legend to distinguish the model code provisions from the California provisions.

1. State owned buildings including buildings constructed by the Trustees of the California State University, and to the extent permitted by California laws, buildings designed and constructed by the Regents of the University of California regulated by the Building Standards Commission. See Section 102 for additional scope provisions.
2. Local detention facilities regulated by the Board of Correction. See Section 103 for additional scope provisions.
3. Barber shops, schools of cosmetology and electrology, acupuncture offices, pharmacies, veterinary facilities, structural pest controls regulated by the Department of Consumer Affairs. See Section 104 for additional scope provisions.
4. Energy efficiency standards regulated by the California Energy Commission. See Section 105 for additional scope provisions.
5. Dairies and places of meat inspection regulated by the Department of Food and Agriculture. See Section 106 ...
6. Organized camps, laboratory animal quarters, public swimming pools, radiation protection, commissaries serving mobile food preparation vehicles, and wild animal quarantine facilities regulated by the Department of Health Services. See Section 107
7. Hotels, motels, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing, factory built housing, other types of dwellings containing sleeping accommodations with common toilets or cooking facilities. See Section 108...
8. Accommodations for persons with disabilities in buildings containing newly constructed covered multifamily dwellings, new common use spaces serving existing covered multifamily dwellings, additions to existing buildings where the addition alone meets the definition of a covered multifamily dwelling, and common-use spaces serving covered multifamily dwellings which are regulated by Department of Housing and Community Development. See Section 108...
9. Permanent buildings and permanent accessory buildings or structures constructed within mobile home parks and special occupancy parks regulated by the Department of Housing and Community Development. See Section 108 ...

10. Public accommodations for persons with disabilities regulated by the Division of the State Architect. See Section 109.1 for additional scope provisions.
11. Public elementary and secondary schools, community college buildings, and state-owned or state-leased essential service buildings regulated by the Division of the State Architect. See Section 109.2 for additional scope provisions
12. Qualified historical buildings and structures and their associated sites regulated by the State Historical Building Code Advisory Board with the Division of the State Architect. See Section 109.3 for additional scope provisions.
13. General acute care hospitals, acute psychiatric hospitals, skilled nursing and/or intermediate care facilities, clinics licensed by the Department of Health Services, and correctional treatment centers regulated by the Office of Statewide Health Planning and Development. See Section 110 for additional scope provisions.
14. Any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school or any similar occupancy of any capacity, any theater, dancehall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building, or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, small family day care homes, large family day-care homes, residential facilities and residential facilities for the elderly, any state institution or other state-owned or state-occupied buildings, high rise structures, motion picture production studios, organized camps, hotels, motels, lodging houses, apartment houses, dwellings ... regulated by the Office of State Fire Marshal. See Section 111 for additional scope provisions.
15. Public libraries constructed and renovated using funds from the California Library Construction and Renovation Act of 1988 regulated by the State Librarian. See Section 112 for additional scope provisions.
16. Grey water systems regulated by the Department of Water Resources. See Section 113 for additional scope provisions.

101.4 Appendices. Provisions contained in the appendices of this Code shall not apply unless specifically adopted by a state agency or adopted by a local enforcing agency in compliance with Health and Safety Code section 18938(b) for Building Standards Law and Health and Safety Code section 17950 for State Housing Law. See section 101.7.

101.5 (Relocated from 2001 CBC 101.7) **Referenced codes.** The codes, standards and publications adopted and set forth in this code, including other codes, standards and publications referred to therein are, by title and date of publication, hereby adopted as standard referenced documents of this code. When this code does not specifically cover any subject related to building design and construction, recognized engineering practices shall be employed.

101.6 (Relocated from 2001 CBC 101.8) **Non-Building Standards, Orders and Regulations.** Requirements contained in the International Building Code, or in any other referenced standard, code or document, which are not building standards as defined in Section 18909, Health and Safety Code, shall not be construed as part of the provisions of this code. For non-building standards, orders, and regulations, see other titles of the California Code of Regulations.

101.7 (Relocated from 2001 CBC 101.9) Order of Precedence and Use

101.7.1 (Relocated from 2001 CBC 101.9.1) **General.** In the event of any differences between these building standards and the standard reference documents, the text of these building standards shall govern. Where a specific provision varies from a general provision, the specific provisions shall apply.

101.8 City, County, or City and County Amendments, Additions or Deletions

The provisions of this code do not limit the authority of city, county, or city and county governments from establishing more restrictive reasonably necessary differences to the provisions contained in this code pursuant to ~~complying with the~~ section 101.8.1. The effective date of amendments, additions, or deletions to this Code of cities, counties, or city and counties filed pursuant to section 101.8.1 shall be the date filed. However, in no case shall the amendments, additions or deletions to this Code be effective ~~any sooner than~~ before the effective date of this Code.

101.8.1 Findings and Filings.

1. The city, county, or city and county shall make express finding for each amendment, addition or deletion based upon climatic, topographical, or geological conditions.

Exception: Hazardous building ordinances and programs mitigating unreinforced masonry buildings.

2. The city, county or city and county shall file the amendments, additions, deletions expressly marked and identified as to the applicable findings. City, county, city and county, and fire departments shall file the amendments, additions or deletions, and the findings with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.
3. Findings prepared by fire protection districts shall be ratified by the local the city, county, or city and county and filed with the California Department of Housing and Community Development at 1800 3rd Street, Room 260, Sacramento, CA 95814.

101.9 (Relocated from 2001 CBC 101.4) **Effective Date of this Code.** Only those standards approved by the California Building Standards Commission and that are effective at the time an application for building permit is submitted shall apply to the plans and specifications for, and to the construction performed under, that permit. For the effective dates of the provisions contained in this code see the History Note page of this code.

101.10 Availability of Codes. At least one copy of the entire Title 24, 8, 19, 20, and 25 with all revisions shall be maintained in the office of the building official responsible for the administration and enforcement of this Code. See Health and Safety Code Section 18942 (d) (1) & (2).

101.11 Format. This part fundamentally adopts the International Building Code by reference on a chapter-by-chapter basis. Such adoption is reflected in the Matrix Adoption Table of each chapter of this part. When the Matrix Adoption Tables make no reference to a specific chapter of the International Building Code, such chapter of the International Building Code is not adopted as a portion of this code.

101.12 Validity. If any chapter section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the state as stipulated by statutes, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of this code.

101.13 Conflicts Between Codes. When the requirements of this code conflict with the requirements of the California Building Standards Code, Title 24, the most restrictive requirement shall prevail.

SECTION 102 BUILDING STANDARDS COMMISSION

102.1 Specific scope of application of the agency responsible for enforcement, enforcement agency, specific authority to adopt and enforce such provisions of this code, unless otherwise stated.

Application – State buildings (all occupancies), including building constructed by the Trustees of the California State Universities and Colleges and the Regents of the University of California where no state agency has the authority to adopt building standards applicable to such buildings.

Enforcing Agency – State or local agency specified by the applicable provisions of law.

Authority Cited – Health and Safety Code Section 18934.5.

Reference – Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

SECTION 103 BOARD OF CORRECTIONS



103.1 Specific scope of application of the agency responsible for enforcement, enforcement agency, specific authority to adopt and enforce such provisions of this code, unless otherwise stated.

Application – Local detention facilities.

Enforcing Agency – Board of Corrections.

Authority Cited – Penal Code Section 6030.

Reference – Penal Code Section 6030.

SECTION 104 DEPARTMENT OF CONSUMER AFFAIRS

104.1 Specific scope of application of the agency responsible for enforcement, enforcement agency, specific authority to adopt and enforce such provisions of this code, unless otherwise stated.

1. Board of Barber Examiners.

Application – Barber Shops

Enforcing Agency – State of local agency specified by applicable provisions of law.

Authority Cited – Business and Professions Code Section 6508.

Reference – Business and Professions Code Sections 6549, 6549.1, 6549.6, 6586.5, 6588, 6590, 6591, and 6593.

2. Board of Cosmetology.

Application – School of Cosmetology and Electrology.

Enforcing Agency - State of local agency specified by applicable provisions of law.

Authority Cited – Business and Professions Code Sections 7310, and 7311.

Reference – Business and Professions Code Sections 7310, 7311, 7384.6 and 7391.

3. Medical Board of California; Acupuncture Committee.

Application – Acupuncture offices.

Enforcing Agency - State of local agency specified by applicable provisions of law.

Authority Cited – Business and Professions Code Section 4933.

Reference – Business and Professions Code Section 4955.

4. Board of Pharmacy.

Application – Pharmacies.

Enforcing Agency – State of local agency specified by applicable provisions of law.

Authority Cited – Business and Professions Code Section 4008.

Reference – Business and Professions Code Sections 4008 and 4081.

5. Board of Examiners in Veterinary Medicine.

Application – Veterinary facilities.

Enforcing Agency – State of local agency specified by applicable provisions of law.

Authority Cited – Business and Professions Code Section 4808.

Reference – Business and Professions Code 4854.

6. Structural Pest Control Board.

Application – Structural pest control.

Enforcing Agency – Structural Pest Control Board.

Authority Cited – Business and Professions Code Sections 8516, 8525, 8538 and 8674.

Reference – Business and Professions Code Sections 8516, 8538 and 8674.

SECTION 105 **CALIFORNIA ENERGY COMMISSION**

105.1 Specific scope of application of the agency responsible for enforcement, enforcement agency, specific authority to adopt and enforce such provisions of this code, unless otherwise stated.

Application – All occupancies.

Enforcing Agency – Local building department or the California Energy Commission.

Authority Cited – Public Resources Code Sections 25402, 25920 and 25922.

Reference – Public Resources Code Sections 25402, 25910, 25920, 25921 and 25922

SECTION 106 **DEPARTMENT OF FOOD AND AGRICULTURE**

106.1 Specific scope of application of the agency responsible for enforcement, enforcement agency, specific authority to adopt and enforce such provisions of this code, unless otherwise stated.

Application – Dairies and places of meat inspection.

Enforcing Agency – Department of Food and Agriculture.

Authority Cited – Agriculture Code Sections 18735, 19384, 33481, 33731.

Reference – Agriculture Code Sections 18735, 19384, 33481, 33731.

SECTION 107 **DEPARTMENT OF HEALTH SERVICES**

107.1 Specific scope of application of the agency responsible for enforcement, enforcement agency, specific authority to adopt and enforce such provisions of this code, unless otherwise stated.

Application – Organized camps, Laboratory animal quarters, Public swimming pools, Radiation protection, Commissaries serving mobile food preparation vehicles, and wild animal quarantine facilities.

Enforcing Agency – The Department of Health Services and the local health officer.

Authority Cited – Health and Safety Code Sections 436.50, 100275, 18897.2, 24102, 25811 and 25990.5.

Reference – Health and Safety Code Sections 436.5, 100275, 18897.2, 24102, 25811, 25990.5 and 27791.

SECTION 108

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

108.1 Purpose. The purpose of this code is to establish the minimum requirements necessary to protect the public health, safety and general welfare of the occupant and the public by governing the accessibility, erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation, maintenance, and safety to life and property from fire and other hazards attributed to the built environment.

SECTION 108.2

AUTHORITY AND ABBREVIATIONS

108.2.1 General. The Department of Housing and Community Development is authorized by law to promulgate and adopt building standards and regulations for several types of building applications. These applications are grouped and identified by an abbreviation used in the Matrix Adoption Tables to identify which model code sections and amendments are applicable to each application. The applications under the authority of the Department of Housing and Community Development are listed in Sections 108.2.1.1 through 108.2.1.3.

108.2.1.1 Housing Construction. Application - Hotels, motels, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing, factory-built housing and other types of dwellings containing sleeping accommodations with or without common toilet or cooking facilities including accessory buildings, facilities, and uses thereto. Sections of this Code which pertain to applications listed in this section are identified in the Matrix Adoption Table using the abbreviation "HCD 1".

Enforcing Agency: Local building department or the Department of Housing and Community Development.

Authority Cited: Health and Safety Code Sections 17921, 17922 and 19990.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, and 19960 through 19997.

108.2.1.2 Housing Accessibility. Application- Covered multifamily dwelling units as defined in Chapter 11A of the California Code of Regulations, Title 24, Part2, also known as the California Building Code, including but not limited to lodging houses, dormitories, time-shares, condominiums, shelters for homeless persons, congregate residences, apartment houses, dwellings, employee housing, factory-built housing and other types of dwellings containing sleeping accommodations with or without common toilet or cooking facilities.

Sections of this Code identified in the Matrix Adoption Table by the abbreviation "HCD1/AC" require specific accommodations for persons with physical disabilities, as defined in Chapter 11A of the California Building Code. The application of such provisions shall be in conjunction with other requirements of this code and apply only to Group R Occupancies which are newly-constructed covered multifamily dwellings as defined in Chapter 11A, CBC, including but not limited to the following:

1. All newly-constructed covered multifamily dwellings as defined in Chapter 11A of the California Building Code.
2. New common use areas as defined in Chapter 11A of the California Building Code serving existing covered multifamily dwellings.
3. Additions to existing buildings, where the addition alone meets the definition of a covered multifamily dwelling as defined in Chapter 11A of the California Building Code.
4. Common-use areas serving covered multifamily dwellings.

These building standards generally do not apply to public accommodations such as hotels and motels. Public use areas, public accommodations, and housing which are publicly funded as defined in Chapter 2, Chapter 11A, and Chapter 11B of the California Building Code are subject to the Division of the State Architect (DSA/AC) and are referenced in Section 109.

Enforcing Agency: Local building department or the Department of Housing and Community Development.

Authority Cited: Health and Safety Code Sections 17921, 17922, 19990 and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 19960 through 19997 and Government Code Section 12955.1.

108.2.1.3 Permanent Buildings in Parks. Application - Permanent buildings and permanent accessory buildings or structures constructed within mobilehome parks, and special-occupancy parks that are under the control and ownership of the park operator. Sections of this Code which pertain to applications listed in this section are identified in the Matrix Adoption Table using the abbreviation "HCD 2".

Enforcing Agency: Local building department or other local agency responsible for the enforcement of Health and Safety Code Division 13, Part 2.1 commencing with Section 18200 or the Department of Housing and Community Development.

Authority Cited: Health and Safety Code Section 18300.

Reference: Health and Safety Code Sections 18200 through 18700.

SECTION 108.3 **DEPARTMENT OF BUILDING SAFETY**

108.3.1 Duties and Powers of the Building Official. The building department of every city, county, or city and county shall enforce all the provisions of law, this Code, and the other rules and regulations promulgated by the Department of Housing and Community Development pertaining to the installation, erection, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of mechanical systems in apartment houses, hotels, and dwellings.

The provisions regulating the erection and construction of dwellings and appurtenant structures shall not apply to existing structures as to which construction is commenced or approved prior to the effective date of these regulations. Requirements relating to use, maintenance and occupancy shall apply to all dwellings and appurtenant structures approved for construction or constructed before or after the effective date of this code.

108.3.2 Laws, Rules, and Regulations. Other than the building standards contained in this Code and notwithstanding other provisions of law the statutory authority and location of the laws, rules, and regulations to be enforced by local enforcing agencies are listed by statute in sections 108.3.2.1 through 108.3.2.5 below:

108.3.2.1 State Housing Law. Refer to the State Housing Law, California Health and Safety Code, Division 13, Part 1.5 commencing with Section 17910 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 1 commencing with Section 1, for the erection, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of mechanical systems in apartment houses, hotels, and dwellings.

108.3.2.2 Mobilehome Parks Act. Refer to the Mobilehome Parks Act, California Health and Safety Code, Division 13, Part 2.1 commencing with Section 18200 and California Code of Regulations, Title 25, Division 1, Chapter 2, commencing with Section 1000 for mobilehome park administrative and enforcement authority, permits, plans, fees, violations, inspections and penalties both within and outside mobilehome parks.

Exception; Mobilehome parks where the Department of Housing and Community Development is the enforcing agency.

108.3.2.3 Special Occupancy Parks Act. Refer to the Special Occupancy Parks Act, California Health and Safety Code, Division 13, Part 2.3 commencing with Section 18860 and California Code of Regulations, Title 25, Division 1, Chapter 2.2 commencing with Section 2000 administrative and enforcement authority, permits, fees, violations, inspections and penalties.

Exception; Special Occupancy Parks where the Department of Housing and Community Development is the enforcing agency.

108.3.2.4 Employee Housing Act. Refer to the Employee Housing Act, California Health and Safety Code, Division 13, Part 1 commencing with Section 17000 and California Code of Regulations, Title 25, Division 1, Chapter 1 commencing with Section 600 for employee housing administrative and enforcement authority, permits, fees, violations, inspections and penalties.

108.3.2.5 Factory-Built Housing. Refer to the Factory-Built Housing Law, California Health and Safety Code, Division 13, Part 6 commencing with Section 19960 and California Code of Regulations, Title 25, Division 1, Chapter

3 commencing with Section 3000 for factory-built housing administrative and enforcement authority, permits, fees, violations, inspections and penalties.

SECTION 108.4 **PERMITS, FEES, AND APPLICATIONS**

108.4.1 Permits. A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, relocation, or alteration of any mechanical system.

Exception: Work exempt from permits as specified in Appendix Chapter 1, Section 112.2.

108.4.2 Fees. Subject to other provisions of law the governing body of any city, county, or city and county may prescribe fees to defray the cost of enforcement of rules and regulations promulgated by the Department of Housing and Community Development. The amount of the fees shall not exceed the amount reasonably necessary to administer or process permits, certificates, forms, or other documents, or to defray the costs of enforcement. For additional information see State Housing Law, Health and Safety Code, Division 13, Part 1.5, Section 17951 and California Code of Regulations, Title 25, Division 1, Chapter 1 commencing with Section 1 for the local enforcement agency's authority to prescribe fees.

Exceptions:

1. Fees to defray the cost of enforcement in Mobilehome Parks shall be as specified in California Code Regulations, Title 25, Division 1, Chapter 2 commencing with Section 1000.
2. Fees to defray the cost of enforcement in Special Occupancy Parks shall be as specified in California Code Regulations, Title 25, Division 1, Chapter 2.2 commencing with Section 2000.

108.4.3 Plan review and time limitations. Subject to other provisions of law, provisions related to plan checking, prohibition of excessive delays and contracting with or employment of private parties to perform plan checking are set forth in State Housing Law, Health and Safety Code, Section 17960.1 and for employee housing, Health and Safety Code Sections 17021 and 17055.

Retention of plans. The building department of every city, county, or city and county shall maintain an official copy, on microfilm or other type of photographic copy, the plans of every mechanical system, during the life of the building, for which the department issued a building permit.

Exceptions:

1. Single or multiple dwellings not more than two stories and basement in height.
2. Garages and other structures appurtenant to buildings described under item (1).
3. Farm or ranch buildings appurtenant to buildings described under item (1).
4. Any one-story building where the span between bearing walls does not exceed 25 feet, except a steel frame or concrete building.

All plans for common interest developments as defined in Section 1351 of the California Civil Code shall be retained. For additional information regarding plan retention and reproduction of plans by an enforcing agency see California Building Standards Law, Health and Safety Code, Sections 19850 and 19851.

SECTION 108.5 **RIGHT OF ENTRY FOR ENFORCEMENT**

108.5.1 General. Subject to other provisions of law, officers and agents of the enforcing agency may enter and inspect public and private properties to secure compliance with the rules and regulations promulgated by the Department of Housing and Community Development. For limitations and additional information regarding enforcement see the following

1. For applications subject to State Housing Law as referenced in Section 108.3.2.1 of this Code, refer to Health and Safety Code, Sections 17910 through 17995.5 and California Code of Regulations, Title 25, Division 1, Chapter 1, commencing with Section 1.

2. For applications subject to the Mobilehome Parks Act as referenced in Section 108.3.2.2 of this Code, refer to the Health and Safety Code, commencing with Section 18200 and California Code of Regulations, Title 25, Division 1, Chapter 2, commencing with Section 1000.

3. For applications subject to the Special Occupancy Parks Act as referenced in Section 108.3.2.3 of this Code, refer to the Health and Safety Code, commencing with Section 18860 and California Code of Regulations, Title 25, Division 1, Chapter 2.2, commencing with Section 2000.

4. For applications subject to the Employee Housing Act as referenced in Section 108.3.2.4 of this Code, refer to Health and Safety Code, Sections 17000 through 17062.5 and California Code of Regulations, Title 25, Division 1, Chapter 1, commencing with Section 600.

5. For applications subject to the Factory-Built Housing Act as referenced in Section 108.3.2.5 of this Code, refer to Health and Safety Code, Sections 19960 through 19997 and California Code of Regulations, Title 25, Division 1, Chapter 3, commencing with Section 3000

SECTION 108.6

MODIFICATION BY ORDINANCE OR REGULATION

108.6.1 General. Subject to other provisions of law, a city, county or city and county may make changes to the provisions adopted by the Department of Housing and Community Development. If any city, county or city and county does not amend, add, or repeal by local ordinances or regulations the provisions published in this Code or other regulations promulgated by the Department of Housing and Community Development, those provisions shall be applicable and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions, and deletions to this Code adopted by a city county or city and county pursuant to California Health and Safety Code Sections 17958.7 and 18941.5 together with all applicable portions of this Code, shall also become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.

108.6.2 Findings, Fillings, and Rejections of Local Modifications. Prior to making any modifications or establishing more restrictive building standards, the governing body shall make express findings and filings required by California Health and Safety Code Section 17958.7 stating such modifications are reasonably necessary due to local climatic, geological, or topographical conditions. No modification shall become effective or operative prior to the following:

1. The express finding shall be made available as a public record.
2. A copy of the modification and express finding both identified to which each refers shall be filed with the California Building Standards Commission for cities, counties or cities and counties, and the Department of Housing and Community Development for Fire Protection Districts.
3. The California Building Standards Commission has not rejected the modification or change.

Nothing in this section shall limit the authority of fire protection districts pursuant to California Health and Safety Code Section 13869.7 (a).

SECTION 108.7

ALTERNATE MATERIALS, DESIGN, TESTS AND METHODS OF CONSTRUCTION

108.7.1 General The provisions of this Code as adopted by the Department of Housing and Community Development are not intended to prevent the use of any material, appliance, installation, device, arrangement, method, alternate design or method of construction not specifically prescribed by this Code. Consideration and approval of alternates shall comply with Section 108.7.2 for Local Building Departments and Section 108.7.3 for the Department of Housing and Community Development.

108.7.2 Local Building Departments. The building department of any city, county, or city and county may approve alternates for use in the erection, reconstruction, movement, enlargement, conversion, alteration, repair, removal or demolition of a mechanical system in an apartment house, hotel, motel, dwelling, or an accessory structure, except for the following.

1. Structures used for Employee Housing as defined in California Health and Safety Code Section 17008.

2. Structures located in Mobilehome Parks as defined in California Health and Safety Code, Section 18214.
3. Structures located in Special Occupancy Parks as defined in California Health and Safety Code, Section 18862.43.
4. Factory Built Housing as defined in California Health and Safety Code Section 19971.

108.7.2.1 Approval of Alternates. The consideration and approval of alternates by a local building department shall comply with the following procedures and limitations:

1. The approval shall be granted on a case-by-case basis.
2. Evidence shall be submitted to substantiate claims that the proposed alternate conforms to, or is at least equivalent to the standards contained in this Code and other rules and regulations promulgated by the Department of Housing and Community Development in performance, safety, and for the protection of life and health .
3. The building department may require tests performed by an approved testing agency at the expense of the owner or owners agent as proof of compliance.
4. If the proposed alternate is related to accessibility in covered multifamily dwellings or facilities serving covered multifamily dwellings as defined in the California Building Code, Chapter 11A. The proposed alternate must also meet the threshold set for "equivalent facilitation" as defined in the California Building Code, Chapter 11A.

For additional information regarding alternate approval by a building department see State Housing Law, California, Health and Safety Code, Section 17951(e) and California Code Regulations, Title 25, Division 1, Chapter 1 commencing with Section 1.

108.7.3 Department of Housing and Community Development. The Department of Housing and Community Development may approve alternates for use in the erection, reconstruction, movement, enlargement, conversion, alteration, repair, removal or demolition of a mechanical system in an apartment house, hotel, motel, dwelling, or an accessory thereto. Approval of alternates shall comply with section 108.7.3.1.

108.7.3.1 Approval of Alternates The consideration and approval of alternates by the Department of Housing and Community Development shall comply with the following procedures and limitations:

1. The department may require tests at the expense of the owner or owners agent to substantiate compliance with the State Building Standards Code.
2. The approved alternate shall be at least equivalent for the purpose intended to that prescribed by this Code in performance, safety, and for the protection of life and health.

SECTION 108.8 **BOARD OF APPEALS**

108.8.1 General. Every city, county, or city and county, shall establish a local appeals board and a housing appeals board. The local appeals board and housing appeals board shall be comprised of at least five voting members that shall serve at the pleasure of the city, county, or city and county. Appointments shall not be employees of the jurisdiction and consist of members who are qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances.

108.8.2 Definitions. The following terms shall for the purposes of this section have the meaning shown.

Housing Appeals Board. The board or agency of a city, county, or city and county which is authorized by the governing body of the city, county, or city and county to hear appeals regarding the requirements of the city, county, or city and county relating to the use, maintenance, and change of occupancy of buildings and structures including requirements governing alteration, additions, repair, demolition, and moving. In any area in which there is no such board or agency, "housing appeals board" means the local appeals board having jurisdiction over the area.

108.8.3 Appeals. Except as otherwise provided in law, any person, firm, or corporation adversely affected by a decision, order, or determination by a city, county, or city and county relating to the application of building standards published in the California Building Standards Code or any other applicable rule or regulation adopted by the Department of Housing

and Community Development or any lawfully enacted ordinance by a city, county, or city and county may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate.

The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings

SECTION 108.9 **UNSAFE BUILDINGS OR STRUCTURES**

108.9.1 Authority to Enforce. Subject to other provisions of law, the administration, enforcement, actions, proceedings, abatement, violations and penalties for unsafe buildings and structures are contained in the following statutes and regulations:

1. For applications subject to State Housing Law as referenced in Section 108.3.2.1 of this Code, refer to Health and Safety Code, Sections 17910 through 17995.5 and California Code of Regulations, Title 25, Division 1, Chapter 1, commencing with Section 1.
2. For applications subject to the Mobilehome Parks Act as referenced in Section 108.3.2.2 of this Code, refer to the Health and Safety Code, commencing with Section 18200 and California Code of Regulations, Title 25, Division 1, Chapter 2, commencing with Section 1000.
3. For applications subject to the Employee Housing Act as referenced in Section 108.3.2.3 of this Code, refer to Health and Safety Code, Sections 17000 through 17062.5 and California Code of Regulations, Title 25, Division 1, Chapter 1, commencing with Section 600.
4. For applications subject to the Factory-Built Housing Act as referenced in Section 108.3.2.4 of this Code, refer to Health and Safety Code, Sections 19960 through 19997 and California Code of Regulations, Title 25, Division 1, Chapter 3, commencing with Section 3000.

108.9.2 Actions and Proceedings. Subject to other provisions of law, punishments, penalties and fines for violations of building standards are contained in the following statutes and regulations:

1. For applications subject to State Housing Law as referenced in Section 108.3.2.1 of this Code, refer to and Health and Safety Code, Sections 17980 through 17995.5 and California Code of Regulations, Title 25, Division 1, Chapter 1 commencing with Section 1.
2. For applications subject to the Mobilehome Parks Act as referenced in Section 108.3.2.2 of this Code, refer to the Health and Safety Code, Section 18700 and California Code of Regulations, Title 25 Division 1, Chapter 2 commencing with Section 1000.
3. For applications subject to the Employee Housing Act as referenced in Section 108.3.2.3 of this Code, refer to Health and Safety Code, Sections 17060 through 17062.5 and California Code of Regulations, Title 25, Division 1, Chapter 1 commencing with Section 600.
4. For applications subject to the Factory-Built Housing Act as referenced in Section 108.3.2.4 of this Code, refer to Health and Safety Code, Sections 19995 through 19997 and California Code of Regulations, Title 25, Division 1, Chapter 3, commencing with Section 3000.

SECTION 108.10 **OTHER BUILDING REGULATIONS**

108.10.1 Existing Structures. Subject to the requirements of California Health and Safety Code Sections 17912.1, 17920.3, 17922(c), 17922.3, 17958.8 and 17958.9 the provisions contained in the California Building Code, Chapter 34 relating to existing structures shall only apply as identified in the Matrix Adoption Table under the authority of the Department of Housing and Community Development as listed in sections 108.2.1.1 through 108.2.1.3 of this Code.

108.10.2 Moved Structures. Subject to the requirements of California Health and Safety Code Sections 17922.3 and 17958.9 the provisions contained in the California Building Code, Chapter 34 relating to a moved residential structure shall only apply as identified in the Matrix Adoption Table under the authority of the Department of Housing and Community Development as listed in sections 108.2.1.1 through 108.2.1.3 of this Code.

Note:

Authority: Health and Safety Code sections 17040, 17921, 17922, 18300, 18865, 18865.3, and 19990; and Government Code section 12955.1

Reference: Health and Safety Code sections 17000–17060, 17910–17990, 18000–18700, 18860–18874, and 19960–19997; and Government Code section 12955.1.

CHAPTER 2 – DEFINITIONS

Note: Adopt entire chapter as amended.

203.0

-A-

APPROVED. ~~[Not adopted by HCD]~~ *For applications listed in section 108.3.2.1 regulated by the Department of Housing and Community Development for State Housing Law, “Approved” shall mean: Acceptable to the Authority Having Jurisdiction Department of Housing and Community Development or the Enforcement Agency. See Health and Safety Code Section 17920(a).*

For applications listed in section 108.3.2.2 regulated by the Department of Housing and Community Development for Mobilehome Parks, approved shall be as defined in Health and Safety Code Section 18201.

For applications listed in section 108.3.2.3 regulated by the Department of Housing and Community Development for Special Occupancy Parks, approved shall be as defined in Health and Safety Code Section 18201.

*For applications listed in section 108.3.2.4 regulated by the Department of Housing and Community Development for Employee Housing, approved shall be as defined in Health and Safety Code Section *****.*

For applications listed in section 108.3.2.5 regulated by the Department of Housing and Community Development for Factory Built Housing, approved shall be as defined in Health and Safety Code Section 19966.

Approved ~~[For HCD 1 & HCD 2]~~ *Health and Safety Code Section 17920(a) is repeated here for clarity and reads as follows:*

Section 17920 (a).

Approved” means acceptable to the Department. “Approved” also means meeting the approval of the enforcement agency, except as otherwise provided by statute, when used in connection with any system, material, type of construction, fixture, or appliance as the result of investigations and tests conducted by the agency, or by reason of accepted principles or tests by national authorities, technical, health, or scientific organizations or agencies.

NOTES: ~~1 See Health and Safety Code Section 19966 for “approved” as applied to Factory Built Housing as referenced in Section 108.1.1.8 of this code.~~

~~2. See Health and Safety Code Section 18201 for “approved” as applied to Mobilehome Parks referenced in Section 101.11.8.3 of this code..~~

~~3. See Health and Safety Code Section 18862.1 “approved” as applied to Special Occupancy Parks as referenced in Section 101.11.8.3 of this code.~~

APPROVED TESTING AGENCY *For applications listed in section 108.2.1 regulated by the Department of Housing and Community Development, “Approved Testing Agency” is an established and recognized agency regularly engaged in conducting tests of products, materials, equipment, installations, or furnishing inspection services in accordance with nationally recognized standards, when such agency has been approved by the Enforcing Agency. Authority Having Jurisdiction. An organization primarily established for purposes of testing to approved standards and approved by the Authority Having Jurisdiction. See Health and Safety Code Section 17920 (m).*

ASSEMBLY BUILDING ~~[Not adopted by HCD]~~ *is a building or a portion of a building used for the gathering together of fifty (50) or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transportation. For applications listed in section 108.2.1 regulated by the Department of Housing and Community Development, refer to the California Building Code, Title 24, Part 2 for use and occupancy classification.*

Assembly Building ~~[For HCD 1 & HCD 2]~~ *Refer to the California Building Code, Title 24, Part 2 for use and occupancy classification.*

AUTHORITY HAVING JURISDICTION ~~[Not adopted by HCD]~~ The organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, installations, or procedures. The authority having jurisdiction shall be a federal, state, local or other regional department or an individual such as a plumbing official; mechanical official; labor department official; health department official; building official or others having statutory authority. In the absence of a statutory authority, the authority having jurisdiction may be some other responsible party. This definition shall include the authority having jurisdiction's duly authorized representative. For applications listed in section 108.2.1 regulated by the Department of Housing and Community Development, "Authority Having Jurisdiction" shall mean "Enforcing Agency" as defined in Section 207.0 of this code.

AUTHORITY HAVING JURISDICTION ~~[For HCD 1 & HCD 2]~~ See ~~Enforcing Agency~~.

204.0

-B-

Building ~~[For HCD 1 & HCD 2]~~ . For applications listed in section 108.2.1 regulated by the Department of Housing and Community Development, "Building" shall mean: Any structure subject to .Health and Safety Code Section 17920(b), and regulated by this code.. is repeated here for clarity and reads as follows:

Section 17920(b). ~~"Building" means a structure subject to this part.~~

BUILDING CODE ~~[Not adopted by HCD]~~ is the building code that is adopted by this jurisdiction. For applications listed in this section regulated by the Department of Housing and Community Development, "Building Code" shall mean the California Building Code, Title 24, Part 2.

BUILDING CODE ~~[For HCD 1 & HCD 2]~~ Whenever the term "Building Code" is used in this code, it shall mean the California Building Code, Title 24, Part 2.

BUILDING OFFICIAL ~~[Not adopted by HCD]~~. See ~~Authority Having Jurisdiction~~. For applications listed in this section regulated by the Department of Housing and Community Development, "Building Official" shall mean the Enforcing Agency.

BUILDING OFFICIAL ~~[For HCD 1 & HCD 2]~~ "Building Official" shall be the "Enforcing Agency" as specified in the appropriate subsections of Section 108.1.1 of this code.

206.0

-D-

Department ~~[For HCD 1 & HCD 2]~~ For applications regulated by the Department of Housing and Community Development, "department" shall mean the Department of Housing and Community Development. Health and Safety Code Section 17920(d) is repeated here for clarity and reads as follows:

Section 17920(d). ~~"Department" means the Department of Housing and Community Development.~~

DWELLING ~~[Not adopted by HCD]~~ is a building or portion thereof that contains not more than two dwelling units. For applications listed in this section regulated by the Department of Housing and Community Development, refer to the California Building Code, Title 24, Part 2 for the definition of "dwelling."

DWELLING ~~[For HCD 1 & HCD 2]~~ Refer to the California Building Code, Title 24, Part 2, for the definition of "dwelling."

DWELLING UNIT ~~[Not adopted by HCD]~~ is a building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family. . For applications listed in this section regulated by the Department of Housing and Community Development, refer to the California Building Code, Title 24, Part 2 for the definition of "dwelling unit."

DWELLING UNIT ~~[For HCD 1 & HCD 2]~~ Refer to the California Building Code, Title 24, Part 2, for the definition of "dwelling unit."

207.0

-E-

ELECTRICAL CODE ~~[Not adopted by HCD]~~ is the National Electrical Code promulgated by the National Fire Protection Association, as adopted by this jurisdiction. . For applications regulated by the Department of Housing and Community Development, whenever the term "Electrical Code" is used in this code, it shall mean the California Electrical Code, Title 24, Part 3.

ELECTRICAL CODE ~~[For HCD 1 & HCD 2]~~ Whenever the term “Electrical Code” is used in this code, it shall mean the California Electrical Code, Title 24, Part 3.

ENFORCING AGENCY ~~[For HCD 1 & HCD 2]~~ is the designated department or agency as specified in statutes and regulations to enforce the specific building standards promulgated or adopted by the specified state agency.

ENFORCEMENT AGENCY ~~[For HCD 1 & HCD 2]~~ See Enforcing Agency.

208.0

-F-


FIRE CODE ~~[Not adopted by HCD]~~ is the fire code adopted by this jurisdiction. *For applications regulated by the Department of Housing and Community Development, whenever the term “Fire Code” is used in this code, it shall mean the California Fire Code.*

214.0

-L-


LABELED Equipment or materials bearing a label, **symbol or other identifying mark** of a listing agency (accredited conformity assessment body) **approved by the Enforcing Agency**. See Listed (third party certified).

Labeled ~~[For HCD 1 & HCD 2]~~ Health and Safety Code Section 17920(g) is repeated here for clarity and reads as follows:


 **Section 17920(g).** “Labeled” means equipment or materials to which has been attached a label, symbol or other identifying mark of an organization, approved by the department, that maintains a periodic inspection program of production of labeled products, installations, equipment, or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

LISTED (THIRD PARTY CERTIFIED) – Equipment or materials included in a list published by a listing agency (accredited conformity assessment body) that maintains periodic inspection on current production of listed equipment or material complies with approved standards or has been tested and found suitable for use in a specified manner.

Listed ~~[For HCD 1 & HCD 2]~~ Health and Safety Code Section 17920(h) is repeated here for clarity and reads as follows:
Section 17920(h) “Listed” means all products that appear in a list published by an approved testing or listing agency.

LISTING AGENCY – An agency accredited by an independent and authoritative conformity assessment body to operate a material and product listing and labeling (certification) system and which is accepted by the Authority Having Jurisdiction which **Enforcing Agency and** is in the business of listing or labeling. The system includes initial and ongoing product testing, a periodic inspection on current production of listed (certified) products, and which makes available **at least annually**, a published report of such listing in which specific information is included that the material or product conforms to applicable  **ards and found safe for use in a specific manner.**

Listing Agency ~~[For HCD 1 & HCD 2]~~ Health and Safety Code Section 17920(i) is repeated for clarity and reads as follows:

 **Section 17920(i).** “Listing agency” means an agency approved by the department that is in the business of listing and labeling products, materials, equipment, and installations tested by an approved testing agency, and that maintains a periodic inspection program on current production of listed products, equipment, and installations, and that, at least **annually**, makes available a published report of these listings.

216.0

-N-

Nuisance ~~[For HCD 1 & HCD 2]~~ : *For applications regulated by the Department of Housing and Community Development, the term, “Nuisance” shall mean any nuisance defined pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code, or any other form of nuisance recognized at common law or in equity jurisprudence.*
Health and Safety Code Section 17920(k) is repeated for clarity and reads as follows:

Section 17920(k). “Nuisance” means any nuisance defined pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code, or any other form of nuisance recognized at common law or in equity.

217.0

-O-

OCCUPANCY CLASSIFICATION. : *For applications listed in section 108.2.1 regulated by the Department of Housing and Community Development, refer to the California Building Code, Title 24, Part 2 for use and occupancy classification. For the purpose of this code, certain occupancies are defined as follows*

Note: ~~[For HCD 1 & HCD 2]~~ The Occupancy Classification requirements are adopted as amended by the State Fire Marshal. See Appendix Chapter 1, Section **103.1.4** of this Code if there is a conflict.

Group A Occupancies

Group A Occupancies include the use of a building or....

218.0

-P-

PLUMBING CODE ~~[Not adopted by HCD]~~ is the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by this jurisdiction. *For applications regulated by the Department of Housing and Community Development, whenever the term "Plumbing Code" is used in this code, it shall mean the California Plumbing Code, Title 24, Part 5.*

~~**PLUMBING CODE** [For HCD 1 & HCD 2] Whenever the term "Plumbing Code" is used in this code, it shall mean the California Plumbing Code, Title 24, Part 5.~~

222.0

-T-

Testing Agency ~~[For HCD 1 & HCD 2]~~ See "Approved Testing Agency". ~~Health and Safety Code Section 17920(m) is repeated for clarity and reads as follows:~~

~~**Section 17920(m).** "Testing agency" means an agency approved by the department as qualified and equipped for testing of products, materials, equipment, and installations in accordance with nationally recognized standards.~~

223.0

-U-

UMC ~~[For HCD 1 & HCD 2]~~ is the most recent edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.

UMC Standards ~~[For HCD 1 & HCD 2]~~ are the Uniform Mechanical Code Standards listed in Appendix A of the most recent edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 3 - GENERAL REQUIREMENTS

Note: Adopt entire chapter as amended.

304.7 ~~[For HCD 1 & HCD 2]~~ **Liquefied Petroleum Gas Appliances.** *For applications listed in section 108.3.2.1 regulated by the Department of Housing and Community Development, liquefied petroleum gas-burning appliances shall not be installed in a pit, basement or similar location where heavier-than-air gas might collect. Appliances so fueled shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.*

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 4 - VENTILATION AIR SUPPLY

Note: Adopt entire chapter with amendments.

405.3 Installation.

An evaporative cooler supported by the building structure shall be installed on a substantial level base and shall be secured directly or indirectly to the building structure by suitable means to prevent displacement of the cooler. Modifications made to the supporting framework of buildings as a result of the installation shall be in accordance with the requirements of the

California Building Code. Openings in exterior walls shall be flashed in an approved manner in accordance with the requirements of the **California** Building Code.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 5 - EXHAUST SYSTEMS

Note: Adopt entire chapter without amendments.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 6 - DUCT SYSTEMS

Note: Adopt entire chapter as amended.

601.2 Sizing Requirements. Duct systems used with blower-type equipment which are portions of a heating, cooling, absorption, evaporative cooling or outdoor air ventilation system shall be sized in accordance with Chapter 17, Part II Referenced Standards or by other approved methods.

Exception: ~~[For HCD 1 & HCD 2]:~~ For applications listed in this section regulated by the Department of Housing and Community Development, duct sizing calculations are not required for systems which do not require outside air.

602.2 Combustibles within Ducts or Plenums. Materials exposed within ducts or plenums shall be non combustible or shall have a flame spread index not greater than 25 and a smoke developed index not greater than 50, when tested as a composite product in accordance with one of the following test methods: NFPA 255- 2000, Standard Method of Test of Surface Burning Characteristics of Building Materials, ASTM E84- 2003b, Standard Test Method for Surface Burning Characteristics of Building Materials, or ANSI/UL 723-2003, Standard for Test Surface Burning Characteristics of Building Materials, except as indicated below.

Exceptions:

- (1) Return-air and outside-air ducts, plenums, or concealed spaces that serve a dwelling unit shall be permitted to be of combustible construction.
- (2) Air filters meeting the requirements of Sections 312.0 and 503.3.
- (3) Water evaporation media in an evaporative cooler.
- (4) Charcoal filters when protected with an approved fire suppression system.
- (5) Electrical wiring in plenums shall comply with ~~NFPA 70~~, National **the California** Electrical Code. Electrical wires and cables and optical fiber cables shall be listed and labeled as suitable for use in plenums and shall have a flame spread distance not greater than 5 ft. (1524 mm), an average optical density not greater than 0.15 and a peak optical density not greater than 0.5, when tested in accordance with NFPA 262-2002, Standard Method of Test for Flame Travel and Smoke of Wires and Cables for Use in Air-Handling Spaces
- (6) Nonmetallic fire sprinkler piping in plenums shall be listed and labeled as suitable for use in plenums and shall have a flame spread distance not greater than 5 ft (1524 mm), an average optical density not greater than 0.15 and a peak optical density not greater than 0.5, when tested in accordance with UL 1887-1996, Standard for Safety Fire Test of Plastic Sprinkler Pipe for Visible Flame and Smoke Characteristics
- (7) Nonmetallic pneumatic tubing in plenums shall be listed and labeled as suitable for use in plenums and shall have a flame spread distance not greater than 5 ft (1524mm), an average optical density not greater than 0.15 and a peak optical density not greater than 0.5, when tested in accordance with UL 1820 – 1997, Standard for Safety Fire Test of Pneumatic Tubing for Flame and Smoke Characteristics.
- (8) Loudspeakers and recessed luminaries, including their assemblies and accessories, in plenums shall be listed and labeled as suitable for use in plenums and shall have a peak rate of heat release not greater than 100 kilowatts, an average optical density not greater than 0.15 and a peak optical density not greater than 0.5, when tested in accordance with UL 2043-1996, Standard for Safety Fire Test for Heat for Heat and Visible Smoke Release for Discrete Products and their Accessories Installed in Air-Handling Spaces.
- (9) Smoke detectors.
- (10) Duct insulation, coverings and linings and other supplementary materials complying with 605.0.
- (11) Materials in a Group H, Division 6, fabrication area including the areas above and below the fabrication area sharing a common air recirculation path with the fabrication area.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 7 - COMBUSTION AIR

Note: Adopt entire chapter without amendments.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 8 - CHIMNEYS AND VENTS

Note: Adopt entire chapter without amendments.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 9 - INSTALLATION OF SPECIFIC EQUIPMENT

Note: Adopt entire chapter as amended.

904.1.1. ~~[For HCD 1 & HCD 2] Access~~ A furnace room shall have an opening or door and passageway thereto not less than two (2) feet (610 mm) in width and large enough to permit removal of the largest piece of furnace in such room. The furnace shall be installed so as to permit removal without disturbing piping, conduits, appurtenant valves and junction boxes.

Exceptions:

1. ~~When the furnace room is large enough to permit dismantling the furnace within the room, the access opening and passageway need be large enough only to permit removal of the largest piece of furnace. This exception shall not be construed to waive the requirements of a minimum door and passageway of two (2) feet (610 mm).~~
~~Same as text above~~

2. ~~Access to warm air furnaces installed in under floor spaces shall comply with Section 904.12.2.~~

3. ~~Access to warm air furnaces installed in an attic or furred space shall comply with Section 904.11.~~

4. ~~Access to warm air furnaces installed on a roof or on an outside wall structure shall comply with Section 904.10.~~

~~An unobstructed working space not less than thirty (30) inches (762 mm) in depth and the height of the furnace, but not less than thirty (30) inches (762 mm), shall be provided along the entire front or firebox side of every warm-air furnace when the door of the furnace enclosure is open.~~

~~Heating system air filters, fuel control valves, vent collars, air handling units and externally mounted controls shall be accessible for maintenance, repair and replacement. Access space shall be as specified for cooling equipment in Section 1106.3.~~

904.1.2. ~~[For HCD 1 and HCD 2] Prohibited Installations.~~ Warm air furnaces shall not be installed:

904.1.2.1 ~~In a closet or alcove less than twelve (12) inches (305 mm) wider than the furnace or furnaces installed therein with a minimum clear working space less than three (3) inches (76 mm) along the sides, back and top of the furnace.~~

Exception: ~~Replacement forced-air furnaces or air-conditioning cooling coils may be installed in an existing closet or alcove with lesser width and depth when approved by the Enforcement Agency and provided that such width and depth is in compliance with conditions of listing. Combustion air openings at the rear or side of the closet shall meet the requirements of Chapter 7.~~

904.1.2.2. ~~In a hazardous location.~~

904.1.2.3 ~~In an occupancy, unless separated by fire-resistive construction from the rest of the building as required by the special hazards section of the Building Code.~~

~~904.1.2.4 In a room used or designed to be used as a bedroom, bathroom, closet or in any enclosed space with access only through such room or space.~~

~~**Exception:** Direct vent furnaces, enclosed furnaces and electric heating furnaces. Access to furnaces located in an attic or under floor crawl space may be through a closet.~~

~~904.1.2.5 Outside of a building unless listed for exterior installation or enclosed in a weatherproof housing complying with Section 904.10.~~

~~904.1.2.6 With clearance along the combustion chamber opening side of less than six (6) inches (152 mm) or working space along the entire front or firebox side less than specified in Section 304.1.1 904.2.~~

904.10 Equipment on Roofs [For HCD 1 & HCD 2] or Exterior Walls of Buildings.

~~904.10.1.2 Roofs on which equipment is to be installed shall be capable of supporting the additional load or shall be reinforced to support the additional load.~~

~~[For HCD 1 and HCD 2] A roof or exterior building wall supporting a furnace shall comply with the requirements for roof and wall structures specified in the California Building Code, and the equipment shall be listed or approved for such use.~~

~~904.10.1.4 [For HCD 1 and HCD 2] Weather Protection. Unless listed or designed for outside installation, a furnace on the roof of a building shall be enclosed in a penthouse complying with the requirements of the Building Code for roof structures or shall be completely enclosed in a weatherproof housing. The housing, when constructed of metal, shall be of galvanized steel not less than 0.024 inch (0.61 mm) (No. 24 U.S. Standard gauge) or of aluminum not less than No. 22 B.&S. gauge supported on a substantial metal frame. The housing shall be not larger than necessary to properly cover and provide a minimum six (6) inch (152 mm) clearance around the appliance or appliances enclosed therein, including all controls and draft diverters.~~

~~904.10.1.5 [For HCD 1 and HCD 2] Ventilation. An enclosure or penthouse shall be provided with openings complying with the requirements of Chapter 7, together with means for proper ventilation of the furnace draft hood relief openings.~~

~~904.10.1.6 [For HCD 1 and HCD 2] Clearance. Clearance of the furnace from combustible construction shall be as specified in Section 304.1~~

904.10.3 Access to Equipment on Roofs [For HCD 1 and HCD 2] or Exterior Walls of Buildings.

~~904.10.3.5 [For HCD 1 and HCD 2] Platform. A furnace located on a roof shall be installed on a substantial level platform. When the roof has a slope greater than four (4) in twelve (12), a level working platform at least thirty (30) inches (762 mm) in depth and width shall be provided along the firebox and control sides of the furnace. Sides of a working platform facing the roof edge below shall be protected by a substantial railing forty-two (42) inches (1067 mm) in height with vertical rails not more than twenty-one (21) inches (533 mm) apart, except that parapets at least twenty-four (24) inches (610 mm) in height may be utilized in lieu of rails or guards.~~

~~904.10.3.6 [For HCD 1 and HCD 2] Catwalk. On roofs having slopes greater than four (4) in twelve (12), a catwalk at least twenty-four (24) inches (610 mm) in width with substantial cleats spaced not more than sixteen (16) inches (406 mm) apart shall be provided from the roof access to the working platform at the appliance.~~

~~904.10.3.7 [For HCD 1 and HCD 2] Roof Access Scuttle. Required working platforms, railings and catwalks may be omitted when access to the equipment is through a required roof scuttle and all of the following provisions are met:~~

~~904.10.3.7.1 [For HCD 1 and HCD 2] The required scuttle is located immediately adjacent to the control side of the equipment unit.~~

~~904.10.3.7.2 [For HCD 1 and HCD 2] Controls, filters, burners, fans and motors are accessible for service and repair within two (2) feet (610 mm) of the edge of the equipment platform on the scuttle side.~~

~~904.10.3.7.3 [For HCD 1 and HCD 2] The equipment platform is not more than twenty (20) inches (508 mm) above the high side of the scuttle opening.~~

~~904.10.3.7.4 [For HCD 1 and HCD 2] A substantial working platform not less than thirty (30) inches (762 mm) in depth and width shall be provided directly below the scuttle at a point not less than thirty (30) inches (762 mm) or more than thirty-two (32) inches (813 mm) below the high side of the scuttle opening.~~

904.10.3.7.5 [For HCD 1 and HCD 2] Scuttles located on other than the roof incline side of the equipment unit shall have the hatch hinged on the low side of the scuttle. Hatches shall be equipped with means to ensure an opening angle of not less than 90 degrees (1.57 rad) nor more than 100 degrees (1.75 rad) from the closed position. Hatches and hardware, when open, shall be capable of withstanding a 300 pound (1334 N) lateral force from the roof incline side.

904.10.3.7.6 [For HCD 1 and HCD 2] Access to scuttles shall comply with Section 904.11.

904.10.3.8 [For HCD 1 and HCD 2] Access to Equipment on Exterior Walls. Every furnace installed in or on an exterior wall of a building, which is designed so that the burners or controls must be serviced from outside the building, shall be readily accessible. Furnaces located on the roof of a building shall be readily accessible.

Exceptions:

1. ~~Permanent exterior ladders providing roof access need not extend closer than eight (8) feet (2438 mm) to the finish grade.~~
2. ~~A portable ladder may be used for access for furnaces on the single-story portion of a Group R or U Occupancy.~~
3. ~~Permanent ladders for equipment access need not be provided at parapets or walls less than thirty (30) inches (762 mm) in height.~~

~~Permanent ladders providing roof access shall:~~

904.10.3.8.1 [For HCD 1 and HCD 2] Have side railings which extend at least thirty (30) inches (762 mm) above the roof edge or parapet wall.

904.10.3.8.2 [For HCD 1 and HCD 2] Have landings less than eighteen (18) feet (5486 mm) apart measured from the finished grade.

904.10.3.8.3 [For HCD 1 and HCD 2] Be at least fourteen (14) inches (356 mm) in width.

904.10.3.8.4 [For HCD 1 and HCD 2] Have rungs not more than fourteen (14) inches (356 mm) on center.

904.10.3.8.5 [For HCD 1 and HCD 2] Have a minimum of six (6) inch (152 mm) toe space.

904.11.0 Attic Furnaces (Upright and Horizontal)

~~Upright furnaces may be installed in an attic or furred space more than five (5) feet (1524 mm) in height, provided the required listings and furnace and duct clearances are observed. Horizontal furnaces may be installed in an attic or furred space provided the required listings and furnace and duct clearances are observed.~~

~~Clearances of a warm-air attic furnace from combustibles shall be as specified in Section 304.1.~~

~~An attic or furred space in which a warm-air furnace is installed shall be accessible by an opening and passageway as large as the largest piece of the furnace and in no case less than thirty (30) inches by thirty (30) inches (762 mm x 762 mm) continuous from the opening to the furnace and its controls.~~

Exception: ~~The access opening into the space may be twenty-two (22) inches by thirty (30) inches (559 mm x 762 mm), provided the largest piece of equipment can be removed through the opening.~~

~~The distance from the passageway access to furnace shall not exceed twenty (20) feet (6096 mm) measured along the center line of the passageway. The passageway shall be unobstructed and shall have continuous solid flooring not less than twenty-four (24) inches (610 mm) wide from the entrance opening to the furnace.~~

~~A level working platform not less than thirty (30) inches (762 mm) in depth and width shall be provided in front of the entire firebox side of the warm-air furnace, and if the furnace temperature-limit control, air filter, fuel-control valve, vent collar or air-handling unit is not serviceable from the firebox side of the furnace, a continuous floor not less than twenty-four (24) inches (610 mm) in width shall be provided from the platform in front of the firebox side of the furnace to and in front of this equipment.~~

Exception: ~~A working platform need not be provided when the furnace can be serviced from the required access opening.~~

~~A permanent electric outlet and lighting fixture controlled by a switch located at the required passageway opening shall be provided at or near the furnace.~~

924.0 Room Heaters.

924.1-Prohibited Installations ~~[Not adopted by HC]~~ Unless specifically permitted by the Authority Having Jurisdiction, unvented room heaters shall not be installed as primary heat sources. Unvented room heaters shall not be permitted in spaces that do not have the required volume of indoor air as defined in section 902.0 (B).

For applications listed in section 108.2.1 regulated by the Department of Housing and Community Development, unvented fuel-burning room heaters shall not be installed, used, maintained, or permitted to exist in a Group R Occupancy.

924.1.1 ~~[Not adopted by HCD]~~ Unvented room heaters shall not be installed in bathrooms or bedrooms.

Exceptions:

(1) Where approved by the Authority having Jurisdiction, one listed wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system shall be permitted to be installed in a bathroom provided that the input rating shall not exceed 6,000 Btu/hr (1760 W/hr) and combustion and ventilation air is provided as specified in 902.0 (B). [NFPA 54:9.23.11]

(2) Where approved by the authority having jurisdiction, one listed wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system shall be permitted to be installed in a bedroom provided that the input rating shall not exceed 10,000 Btu/hr (2930 W/hr) and combustion and ventilation air is provided as specified in 902.0 (B). [NFPA 54:9.23.11].

For applications listed in section 108.2.1 regulated by the Department of Housing and Community Development, unvented fuel-burning room heaters shall not be installed, used, maintained, or permitted to exist in a Group R Occupancy.

This subsection shall not apply to portable oil fired unvented heating appliances used as supplemental heating in Group S, Divisions 3, 4, and 5, and Group U Occupancies, and regulated by the Fire Code.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

904.12 932.0 ~~[For HCD 1 and HCD 2]~~ **Warm-Air Furnaces Located in Under-Floor Spaces.**

Applications listed in section 108.2.1 regulated by the Department of Housing and Community Development, shall comply with the following requirements:

~~A warm air furnace installed in the under floor area of a building shall comply with the following requirements:~~

904.12.1 932.1 ~~[For HCD 1 and HCD 2]~~ Clearance from combustibles shall be as specified in Section 304.1.

904.12.2 932.1.1 ~~[For HCD 1 and HCD 2]~~ An access opening and passageway of a height and width sufficient to permit removal of the furnace, but in no case less than thirty (30) inches by thirty (30) inches (762 mm x 762 mm), shall be provided to the working space in front of the furnace. The access opening to the passageway shall be through an opening in an exterior wall of the building or through a trap door within the building. The distance from the passageway access to the center line of the working space in front of the furnace burner shall not exceed twenty (20) feet (6096 mm) measured along the center line of the passageway.

904.12.3 932.1.2 ~~[For HCD 1 and HCD 2]~~ A furnace supported from the ground shall rest on a concrete slab extending not less than three (3) inches (76 mm) above the adjoining ground level.

904.12.4 932.1.3 ~~[For HCD 1 and HCD 2]~~ The lowest portion of a suspended furnace shall have a clearance of at least six (6) inches (152 mm) from the ground. Excavation necessary to install a furnace shall extend to a depth of six (6) inches (152mm) below and twelve (12) inches (305 mm) on all sides of the furnace, except the control side, which shall have thirty (30) inches (762 mm). If the depth of the excavation for either furnace or passageway exceeds twelve (12) inches (305 mm), walls of the excavation shall be lined with concrete or masonry extending four (4) inches (102 mm) above the adjoining ground level. In floodplain areas the entire crawl space grade or height shall provide twelve (12) inch (305 mm) clearance between the bottom of the furnace and the ground.

~~904.12.5~~ **932.1.4** ~~[For HCD 1 and HCD 2]~~ A permanent electric outlet and lighting fixture controlled by a switch located at the passageway opening shall be provided at or near the furnace.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 10 - STEAM AND HOT WATER BOILERS

Note: Adopt entire chapter without amendments.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 11 - REFRIGERATION

Note: Adopt entire chapter without amendments.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 12 - HYDRONICS

Note: Adopt entire chapter as amended.

1201.3.5.2 Cutting Structure.

Structural members shall not be seriously weakened or impaired by cutting or notching. ~~[For HCD 1 & HCD 2] Structural modifications shall be made in compliance with the California Building Code, Title 24, Part 2.~~

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 13 - FUEL PIPING ~~[Not adopted by HCD]~~

Note: This chapter is not adopted.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 14 - PROCESS PIPING ~~[Not adopted by HCD]~~

Note: This chapter is not adopted.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997

CHAPTER 15 - SOLAR SYSTEMS

Note: Adopt only the sections listed below.

1500 ~~[For HCD 1 & HCD 2] General. For applications listed in Section 108.2.1 regulated by the Department of Housing and Community Development, see Health and Safety Code Section 17951.1, and Civil Code section 801.5., is repeated here for clarity and reads as follows:~~

~~**Section 17950.1.** No local ordinance enacted pursuant to this chapter shall have the effect of prohibiting or of unreasonably restricting the use of solar energy systems, other than for the preservation of the public health and safety. The provisions of this section shall apply to charter cities.~~

~~This section shall not apply to ordinances which impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles~~

~~thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions which do not significantly increase the cost of the system or significantly decrease its efficiency, or which allow for an alternative system of comparable cost and efficiency.~~

~~As used in this section, "solar energy system" shall be defined as set forth in Section 801.5 of the Civil Code.~~

- ~~(a) A city or county shall administratively approve applications to install solar energy systems though the issuance of a building permit or similar nondiscretionary permit. However, if the building official of the city or county has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.~~
- ~~(b) A city or county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. This finding shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.~~
- ~~(c) Any conditions imposed on an application to install a solar energy system must be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.~~
- ~~(d) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.~~
 - ~~(2) A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency. SRCC is a nonprofit third party supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation.~~
 - ~~(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.~~
- ~~(e) The following definitions apply to this section:~~
 - ~~(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost effective method, condition, or mitigation imposed by a city or county on another similarly situated application in a prior successful application for a permit. A city or county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.~~
 - ~~(2) "Solar energy system" has the meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.~~
 - ~~(3) A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.~~

1501 [For HCD 1 & HCD 2] Civil Code Section 801.5, is repeated here for clarity and reads as follows:

- Section 801.5.** ~~(a) The right of receiving sunlight as specified in subdivision 18 of Section 801 shall be referred to as a solar easement. "Solar easement" means the right of receiving sunlight across real property of another for any solar energy system. As used in this section, "solar energy system" means either of the following:~~
- ~~(1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.~~
 - ~~(2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.~~
- ~~(b) Any instrument creating a solar easement shall include, at a minimum, all of the following:~~
- ~~(1) A description of the dimensions of the easement expressed in measurable terms, such as vertical or horizontal angles measured in degrees, or the hours of the day on specified dates during which direct sunlight to a specified surface of a solar collector, device, or structural design feature may not be obstructed, or a combination of these descriptions.~~
 - ~~(2) The restrictions placed upon vegetation, structures, and other objects that would impair or obstruct the passage of sunlight through the easement.~~
 - ~~(3) The terms or conditions, if any, under which the easement may be revised or terminated.~~

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 16 - STATIONARY FUEL CELL POWER PLANTS

Note: Adopt entire chapter without amendments.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

CHAPTER 17 - STANDARDS

Note: Adopt entire chapter without amendments.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

APPENDIX CHAPTER 1 - ADMINISTRATION

Note: Adopt only the sections listed below.

112.2 Exempt Work. A mechanical permit shall not be required for the following:

112.2.1 A portable heating appliance, portable ventilating equipment, a portable cooling unit, or a portable evaporative cooler.

112.2.2 A closed system of steam, hot, or chilled water piping within heating or cooling equipment regulated by this code.

112.2.3 Replacement of any component part or assembly of an appliance that does not alter its original approval and complies with other applicable requirements of this code.

112.2.4 Refrigerating equipment that is part of the equipment for which a permit has been issued pursuant to the requirements of this code.

112.2.5 A unit refrigerating system. Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

APPENDIX A, UNIFORM MECHANICAL CODE STANDARDS 6-2 and 6-5

Note: Adopt entire Appendix A without amendments.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

APPENDIX B, PROCEDURES TO BE FOLLOWED TO PLACE GAS EQUIPMENT IN OPERATION

Note: This chapter is not adopted.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

APPENDIX C, INSTALLATION AND TESTING OF OIL (LIQUID) FUEL-FIRED EQUIPMENT

Note: This Appendix is not adopted.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.

APPENDIX D, UNIT CONVERSION TABLES

Note: Adopt entire Appendix D without amendments.

Authority Cited: Health and Safety Code Sections 17921, 17940, 18300 and 18865.3.

Reference: Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874 and 19960-19997.